

REMARKS

Claims 1-6 and 8-42 were pending in the application. Claim 1 has been amended, claim 7 was previously canceled and claims 13-14 are canceled herein. Accordingly, claims 1-6 and 8-12 and 15-42 will remain pending.

No new matter has been added. Any cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Rejection of Claims 1-42 Under 35 USC 103(a)

The Examiner has rejected claims 1-6 and 8-42 under 35 USC 103(a) as being unpatentable over Ueno and Yano et al. in view of Troyer et al. and Schneider et al. Applicant traverses this rejection.

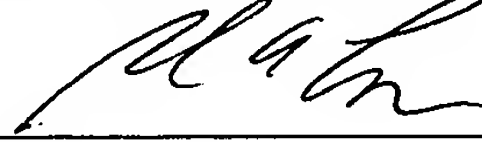
Claim 1, as amended and all the claims now require that there are specific minimum amounts of eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA) in the daily dose, and specific ratios of n-6 to n-3 containing oils. Certain of the claims (claim 15 and those depending therefrom) also require an oil soluble antioxidant.. In contrast, none of the references, either individually or in combination, specify doses of EPA and DHA that are as high as the doses used herein, none provide the ratios of n-6 to n-3 oils. In addition, none show use of an oil soluble antioxidant. Further, many of the claims have even more specific amounts of the EPA and DHA, as well as other materials such as n-6 fatty acids, vitamin E, and mixed tocopherols. Certain of these claims even have specific sources or amounts of each of these materials. Clearly, the invention as claimed is not obvious merely because Ueno uses fatty acid derivatives and Troyer et al. use n-3 fatty acids generally. Neither reference shows any values close to the present invention. Ueno does not give amounts for anything except prostaglandins and Troyer uses "at least about 94 mg of these three components together, and preferably contains about 235 mg of these." The three components are omega-3 fatty acids (without specifying which n-3), omega-6 fatty acids and GLA. In contrast, the presently claimed formulation uses at least 150 mg of EPA and at least 50 mg DHA in an n-3 containing oil and has an n-6 containing oil at a 1 to 3 to 3 to 1 ratio with the n-3 containing oil. Clearly, the amounts of DHA and EPA are

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance. If a telephone conference would expedite allowance of this application, the Examiner is urged to call the undersigned.

Dated: July 30, 2008

Respectfully submitted,

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